HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 2916 OF 2007

DATED: 15.2.2007

Between:

Smt. Motamarri Bhavani

… Petitioner

and

Union Bank of India and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.2916 OF 2007

ORAL ORDER:

The writ petition is directed against a notice dated 12.12.2006 issued by the respondent-bank, purportedly under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act'). This notice is a follow up on the notice issued under Section 13 (2) of the Act on 28.6.2003.

Many events have transpired in the interregnum. The petitioner is aggrieved that the respondent-bank is proceeding under the provisions of the Act, notwithstanding that it has filed a civil suit in O.S.No.234 of 2006 in the court of the Senior Civil Judge, Vizianagaram, in respect of the same liability of the petitioner to the respondent. In respect of a proceeding under Section 13 (4) of the Act or Section 14, which provides an enforcement mechanism, the petitioner has an appellate remedy to the Debts Recovery Tribunal having jurisdiction, under Section 17 of the Act.

In view of the availability of an alternative, efficacious and

statutory remedy, this court is not inclined to adjudicate upon the issues presented in this writ petition.

Accordingly, the writ petition is dismissed, preserving the liberty of the petitioner to pursue the appellate remedy. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 15.2.2007
CVM